UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,987	01/05/2001	Keith Girolamo Cascio	RSW920000088US1	5433

7590 05/07/2004	EXAMINER	
Jeanine S. Ray-Yarletts	BATES, KEVIN T	
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PO Box 12195	ART UNIT	PAPER NUMBER
Research Triangle Park, NC 27709	2155	2

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 January 2001_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-28_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to a communication received on January 5,

2001.

Claims 1-28 are pending in this application

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

Claims 1-28 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1, 5, 9, 18,

19, and 22 of U.S. Patent No. 6446110. Although the conflicting claims are not

identical, they are not patentably distinct from each other because Lection teaches in

his disclosure that the process of extracting data from a data stream and converting it

into XML format includes using a Data Type Definition template (Column 5, line 65 –

Column 6, line 1). This Data Type Definition template includes tags, which are

hierarchically structured and are the grammar or rules used in parsing the data stream

(Column 9, lines 4 – 9). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to use Lection's DTD in a XML formatting system in

order to use Standard Generalized Markup Languages and their family (Column 5, line

61 – Column 6, line 1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by

Lection (6446110)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 9, and 17, Lection discloses a computer program product for

efficiently extracting data from a data stream (Column 2, lines 35 – 40), the computer

program product embodied on one or more computer-readable media and comprising:

computer-readable program code means for defining one or more data extraction rules

(Column 6, lines 8 – 10), each of the rules comprising one or more rule components (Column 9, lines 9 – 14); computer-readable program code means for defining one or more output document templates for storing extracted data (Column 5, line 65 – Column 6, line 1), wherein each of the templates comprises one or more tags which are hierarchically structured and wherein each template is to be associated with one or more of the data extraction rules (Column 9, lines 4 – 14); computer-readable program code means for associating at least one of the templates with at least one of the rules; computer-readable program code means for storing the rules, the templates, and the associations (Column 5, line 65 – Column 6, line 12); computer-readable program code means for monitoring at least one data stream for arrival of incoming data (Column 7, lines 12 – 14); computer-readable program code means for comparing the incoming data to selected ones of the stored rules until detecting a matching rule (Column 6, lines 8 – 12); computer-readable program code means for extracting data from the incoming data, upon detecting the matching rule, according to the matching rule; and computer-readable program code means for storing the extracted data in an extensible document which is created according to the tags and structure of a selected one of the templates that is associated with the matching rule (Column 6, lines 8 – 12).

Regarding claims 2, 10, 18, Lection discloses that the computer-readable program code means for associating further comprises computer-readable program code means for associating the rule components of a particular rule with the tags of a particular template (Column 9, lines 4 – 9).

Regarding claims 3, 11, and 19, Lection discloses computer readable program code means for transforming the extracted data in the extensible document into another notation (Column 10, lines 25 – 32).

Regarding claims 4, 12, and 20, Lection discloses computer readable program code means for transforming the extracted data in the extensible document into another format (Column 10, lines 52 – 63).

Regarding claims 5, 13, and 21, Lection discloses that the extensible document is an Extensible Markup Language ("XML") document (Column 5, lines 57 – 61).

Regarding claims 6, 14, and 22, Lection discloses that the components of selected ones of the rules specify textual patterns (Column 9, lines 38 – 58).

Regarding claims 7, 15, and 23, Lection discloses that the components of selected ones of the rules specify data element and attribute patterns (Column 9, lines 27 – 37).

Regarding claims 8, 16, and 24, Lection discloses that the components of selected ones of the rules specify a combination of textual patterns and data element and attribute patterns (Column 9, lines 27 – 58).

Regarding claim 25, Lection discloses that the data stream is a legacy host stream containing one or more presentation spaces (Column 6, lines 25 – 26; Column 2, lines 39 – 40).

Regarding claim 26, Lection discloses that the data stream is sent between peer applications (Column 6, lines 25 – 27).

Regarding claim 27, Lection discloses that the data stream contains one or more

Extensible Markup Language ("XML ") documents (Column 6, lines 25 – 27).

Regarding claim 28, Lection discloses that the data stream contains one or more

Web pages (Column 5, lines 57 – 61).

Claims 1 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by

Milleker (6523042).

Regarding claims 1, 9, and 17, Milleker discloses a computer program product

for efficiently extracting data from a data stream (Column 1, lines 52 – 57), the computer

program product embodied on one or more computer-readable media and comprising:

computer-readable program code means for defining one or more data extraction rules

(Column 4, line 66 – Column 5, line 9), each of the rules comprising one or more rule

components (Column 5, lines 5 – 9); computer-readable program code means for

defining one or more output document templates for storing extracted data (Column 4,

lines 56 – 60), wherein each of the templates comprises one or more tags which are

hierarchically structured and wherein each template is to be associated with one or

more of the data extraction rules (Column 4, line 61 – Column 5, line 9, where the

message can be XML and thus include tags Column 3, line 27); computer-readable

program code means for associating at least one of the templates with at least one of

the rules; computer-readable program code means for storing the rules, the templates,

and the associations (Column 4, lines 48 – 55); computer-readable program code

means for monitoring at least one data stream for arrival of incoming data (Column 4,

lines 27 – 30); computer-readable program code means for comparing the incoming

data to selected ones of the stored rules until detecting a matching rule (Column 4, lines
39 – 55); computer-readable program code means for extracting data from the incoming
data, upon detecting the matching rule, according to the matching rule; and computer-
readable program code means for storing the extracted data in an extensible document
which is created according to the tags and structure of a selected one of the templates
that is associated with the matching rule (Column 4, lines 61 – 65).

Regarding claims 2, 10, 18, Lection discloses that the computer-readable
program code means for associating further comprises computer-readable program
code means for associating the rule components of a particular rule with the tags of a
particular template (Column 4, line 61 – Column 5, line 9, where the message can be
XML and thus include tags (Column 3, line 27).

Regarding claims 3, 11, and 19, Milleker discloses computer readable program
code means for transforming the extracted data in the extensible document into another
notation (Column 3, lines 25 – 32).

Regarding claims 4, 12, and 20, Milleker discloses computer readable program
code means for transforming the extracted data in the extensible document into another
format (Column 3, lines 25 – 32).

Regarding claims 5, 13, and 21, Milleker discloses that the extensible document
is an Extensible Markup Language ("XML") document (Column 3, line 27).

Regarding claims 6, 14, and 22, Milleker discloses that the components of
selected ones of the rules specify textual patterns (Column 4, lines 61 – 65).

Regarding claims 7, 15, and 23, Milleker discloses that the components of selected ones of the rules specify data element and attribute patterns (Column 1, line 65 – Column 2, line 3).

Regarding claims 8, 16, and 24, Milleker discloses that the components of selected ones of the rules specify a combination of textual patterns and data element and attribute patterns (Column 1, line 65 – Column 2, line 3).

Regarding claim 25, Milleker discloses that the data stream is a legacy host stream containing one or more presentation spaces (Column 2, lines 24 – 26).

Regarding claim 26, Milleker discloses that the data stream is sent between peer applications (Column 3, lines 24 – 33)).

Regarding claim 27, Milleker discloses that the data stream contains one or more Extensible Markup Language ("XML ") documents (Column 3, lines 24 – 33).

Regarding claim 28, Milleker discloses that the data stream contains one or more Web pages (Column 3, lines 56 – 58).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5857194 issued to Kelliher because it has extraction from legacy data.

U. S. Patent No. 6031625 issued to Sherman, because it has extraction of data form a data stream.

U. S. Patent No. 6687873 issued to Ballantyne, because it translated messages into XML.

U. S. Patent No. 6516308 issued to Cohen, because it has rules and extracts date from messages and puts them into a new format.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
April 28, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER